



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

LAWRENCE K. MARKS
CHIEF ADMINISTRATIVE JUDGE

EILEEN D. MILLETT
COUNSEL

February 16, 2022

Christopher T. Bavitz
Managing Director
Cyberlaw Clinic
Clinical Professor of Law
Harvard Law School
1585 Massachusetts Avenue
Cambridge, MA 02138

Dear Prof. Bavitz:

Please be advised that the Unified Court System (UCS) is in receipt of your December 21, 2021 letter addressed to Chief Judge Janet DiFiore, on behalf of your client, Public Resource.org, relating to the copyright for the *New York Pattern Jury Instructions* (NY PJI). The Chief Judge has asked that I respond on her behalf. UCS can appreciate that your client is working to enhance public access to government information and public law, and UCS is currently further exploring those areas.

You have raised a number of challenges regarding the validity of UCS's copyright of the NY PJI, and you request that UCS "...abandon and withdraw all copyright claims from the [NY] PJI..." and "support efforts to provide public access to these important edicts of government."

Nevertheless, since the receipt of your correspondence, it has come to our attention that on September 7, 2021 and February 3, 2022 respectively, the 2021 and 2022 NY PJI have been uploaded to <https://archive.org/details/JuryInstructions>. As cited in your letter, this is the same internet location where your client "has made PJI, and model jury instructions from a number of states publicly available."

UCS maintains that it has ownership of a valid copyright interest in the NY PJI, and it does not intend to abandon our copyright interest or waive its rights thereto. Thus, we must insist that your organization forbear from publishing any of the content in the NY PJI without our prior permission.

Very truly yours,

Eileen D. Millett
Counsel

cc. Carl Malamud, Pres. Public Resources
David Halperin, Of Counsel Public Resources
Hon. Janet DiFiore, Chief Judge Court of Appeals
Hon. Lawrence K. Marks, Chief Administrative Judge